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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-fifth session

Summary record of the 2623rd meeting
Held at the Palais Wilson, Geneva, on Friday, 27 April 2018, at 10 a.m.

Chair: Mr. Amir

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined fourth to ninth periodic reports of Saudi Arabia (*continued*)
(CERD/C/SAU/4-9; CERD/C/SAU/Q/4-9)

1. *At the invitation of the Chair, the delegation of Saudi Arabia took places at the Committee table.*

2. **Mr. Al-Zouman** (Saudi Arabia) said that the Saudi Human Rights Commission received human rights complaints of a general nature, including allegations concerning racial discrimination. The Commission investigated all complaints thoroughly and decided on the appropriate measures to be taken. As a government body that reported directly to the King, it differed from the National Society for Human Rights, which was a non-governmental institution that represented civil society and enjoyed complete independence in all its affairs.

3. **Ms. Al-Shangiti** (Saudi Arabia) said that there had been an estimated 12 million non-Saudis living in the country in 2017. Saudi society was founded on shared values and persons who arrived in the State party were required to respect the laws, values, traditions and sensibilities of that society: discrimination on grounds of race, colour or national or ethnic origin was a criminal offence.

4. Concerning population demographics, statistics were available on sex, nationality, age, social status and economic status but ethnicity data were not collected. In that regard, preparations were under way for the 2020 census, which would be conducted using new tablet computer technology for the first time.

5. **Mr. Al-Shahrani** (Saudi Arabia) said that the Saudi Arabia had a long history of welcoming people fleeing from humanitarian crises or other hardship but that it had never labelled those people as refugees. They were instead considered to be guests and enjoyed a legal status that went above and beyond the recommendations of the international human rights community. The State party provided aid and support in cooperation with United Nations agencies to address refugee crises around the world. The Government had also recently announced the contribution of $160 million in direct aid to the Syrian Arab Republic.

6. **Mr. Khorayef** (Saudi Arabia), recalling that his country had been commended by the Office of the United Nations High Commissioner for Refugees on its treatment of incoming refugees in 2015, said that various measures had been taken to improve the situation of the main groups of refugees currently present in the country. For instance, a royal order had been issued to regularize the situation of the Yemeni nationals who had been living there illegally in order to give their children access to free education; as a result, some 305,000 Yemeni children had been enrolled at public schools for the 2016/17 school year. Yemeni citizens also had the same access to employment as Saudi nationals and were exempt from paying tax on work certificates and authorizations. Syrian refugees, rather than being placed in camps, enjoyed full freedom of movement in the country and were able to obtain residence permits that gave them free access to education and health care. The Ministry of Labour and Social Affairs, for its part, was actively encouraging businesses to provide job opportunities for migrants from Myanmar. Lastly, the Government was cooperating with international organizations and the Governments of neighbouring countries in order to provide financial and other support to the millions of displaced Syrians currently residing in Jordan and Lebanon.

7. **Ms. Al-Moalimi** (Saudi Arabia) said that various pieces of legislation had been promulgated to reinforce the values of tolerance and peaceful coexistence at the national level, while awareness-raising campaigns had been launched to disseminate those values and encourage the rejection of racism and hate. The King Abdulaziz Centre for National Dialogue was firmly engaged in that effort, coordinating training programmes, meetings and dialogues, as well as projects designed specifically for children at public schools. The initiatives supported at the regional and international levels included important

contributions to the establishment of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna and the Etidal Global Centre for Combating Extremist Ideology in Riyadh.

8. **Mr. Al-Shehri** (Saudi Arabia) said that the country's employment regulations had been brought into line with the recommendations of the international human rights community concerning the rights of migrant workers. Pursuant to Cabinet Decision No. 166 of 9 October 2000, action had been taken against employers who had withheld the passports of migrant workers. As part of more general efforts to improve the rights of workers, the Human Rights Commission and the National Society for Human Rights were working together in coordinating awareness-raising campaigns.

9. **Mr. Al-Otaibi** (Saudi Arabia) said that all forms of racial discrimination were prohibited in Saudi Arabia and that various entities were involved in the State party's efforts to eliminate such discrimination from Saudi society. As part of a regular monitoring process, all national legislation related to human rights was subject to review by the Consultative (Shura) Council. Government ministries held responsibility for guaranteeing the enjoyment of human rights in their respective spheres and had measures in place to address discriminatory practices. Lastly, the Human Rights Commission monitored any changes made to human rights legislation as well as the implementation of that legislation in order to ensure that international human rights standards were being adhered to.

10. **Mr. Bin Libdah** (Saudi Arabia) said that the Saudi legal system provided for aggravating circumstances by taking account of the status of the perpetrator or the victim and the motivation for the crime. For instance, aggravating circumstances were considered to exist when the victim was a woman, a child or a person with a disability. The laws of Saudi Arabia were reviewed regularly to ensure that they reflected the country's international obligations, including the Convention.

11. **Ms. Fatani** (Saudi Arabia) said that the Human Rights Commission, in accordance with article 5 of its statutes, actively monitored government agencies' implementation of the international human rights instruments to which Saudi Arabia was a party. For the Convention, the Commission had established a complaints mechanism that offered different channels for violations to be reported. Between 2014 and 2017, the Commission had received 80 complaints of racial discrimination. The Commission assessed the State party's progress in implementing the Convention in its annual report on the human rights situation in the country. It supported and worked with civil society organizations and the judiciary and had developed standards to promote and protect human rights, including the elimination of racial discrimination.

12. **Ms. Al-Osaimi** (Saudi Arabia) said that various laws had been enacted to protect human rights in the country, including the rights to housing, education, health care and work. The Health Act, for instance, stipulated that health care should be provided for the whole population in an equal and accessible manner. Line ministries took action based on those laws and were monitored by the respective authorities, both governmental and non-governmental. The Human Rights Commission and civil society organizations sought to disseminate a culture of human rights and imparted human rights education. Several ministries ran programmes and initiatives in cooperation with the King Abdulaziz Centre for National Dialogue aimed at putting an end to racism, racial discrimination and hate speech, achieving national unity and enhancing tolerance. The term "Afrodescendant" was not used in Saudi Arabia as the country had none of the persons referred to in general recommendation No. 34 on racial discrimination against people of African descent.

13. **Mr. Al-Shahrani** (Saudi Arabia) said that Saudi Arabia, in line with its Islamic tenets and firm belief in international cooperation, would always support any initiative that was in the best interests of human beings and sought to provide guarantees and assistance for the needy. The International Decade on People of African Descent was one such initiative.

14. **Ms. Al-Ghamdi** (Saudi Arabia) said that questions relating to citizenship fell under the scope of the Saudi Arabian Nationality Act. As a rule, the law recognized the acquisition of citizenship through descent, with exceptions made for those who were born in Saudi Arabia or who were born to mothers who held Saudi citizenship at the time of

giving birth. There was no discrimination as to gender in the provisions relating to acquiring Saudi citizenship.

15. **Ms. Al-Bawardi** (Saudi Arabia) said that residents of Saudi Arabia received free health care, education, employment, social security and a number of other services. Charitable organizations provided financial assistance for the needy. Situations in which a person faced becoming stateless were addressed under the Nationality Act and other legislation on citizenship.

16. **Mr. Al-Dakkan** (Saudi Arabia) said that, under Islamic sharia law, all persons had the right to select a spouse and to marry. The consent of both parties was a precondition for marriage. According to article 10 of the Basic Law of Governance, the State endeavoured to strengthen the bonds of the family, maintain its Arab and Islamic values, care for all its members and provide conditions conducive to the development of their talents and abilities. A study on child marriage conducted by the King Abdulaziz Centre for National Dialogue and several civil society organizations had concluded that the phenomenon was becoming less common. The Child Protection Act stipulated that persons under the age of 18 years could not enter into marriage contracts unless it was certain that the marriage would not cause harm and was in the best interests of both the male and female partners.

17. **Mr. Al-Shahrani** (Saudi Arabia) said that trafficking in persons was forbidden under Islamic sharia and was classified as a criminal offence under the Anti-Trafficking in Persons Act, which was aligned with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Government had designed the Anti-Trafficking in Persons Act to include provision for preventive measures and specific penalties for perpetrators, be they natural persons or corporate entities. The Act recognized aggravating circumstances. It also contained measures to protect victims, to provide them with medical or other care and shelter and to allow non-Saudi victims to remain in the country until such time as they wished to return to their country of origin. In addition, the Government was raising awareness among population groups vulnerable to trafficking. All public institutions, including the Ministry of Labour and Social Development, reported any suspected cases to the public prosecution service for investigation.

18. **Mr. Al-Shehri** (Saudi Arabia) said that the number of prosecutions and convictions had increased as a result of counter-trafficking efforts. The Human Rights Commission had reported 22 cases of trafficking in persons in 2015 and 15 cases in 2016, while the Ministry of Labour and Social Development had identified and referred 57 cases to the public prosecution service in 2017.

19. **Mr. Al-Abdullatif** (Saudi Arabia) said that the Ministry of Labour and Social Development ensured that rights of migrant workers were protected through various mechanisms. Its inspectors conducted field visits to verify that businesses complied with the Labour Act and other regulations. The number of cases heard by the commissions for the settlement of labour disputes had risen from 24,000 in 2013 to 94,000 in 2017. The Ministry had taken numerous steps to protect workers in general, and domestic workers in particular, against discrimination or practices that breached the Labour Act. Embassies of countries whose nationals worked in Saudi Arabia had conducted awareness-raising workshops on violations and kinds of conduct that workers might encounter.

20. **Mr. Al-Shahrani** (Saudi Arabia) said that foreign workers usually arrived in Saudi Arabia with a contract to provide a specific service. Parties to employment contracts had recourse to clear remedy mechanisms in the event of a breach of contract. The fact that Saudi Arabia was one of the world's most attractive labour markets attested to the quality of its legislative and legal framework and its capacity to address violations.

21. **Mr. Al-Mdimegh** (Saudi Arabia), speaking in relation to measures to address poverty, said that social solidarity legislation focused on the widows of Saudi nationals and their children and Saudi women who had children with foreign husbands. The Citizen's Account programme had been launched to cushion the impact of economic reforms.

22. **Mr. Al-Rwailly** (Saudi Arabia) said that there were no provisions in Saudi Arabian legislation that could be regarded as constituting racial discrimination as defined under

article 1 of the Convention. Article 74 of the Basic Law of Governance provided for equality for all before the courts and recognized the right to litigation for all residents; any failure to respect that equality would constitute a human rights violation that could be referred to the relevant governmental or non-governmental institutions, including the judiciary, for the purpose of obtaining remedy or reparations.

23. **Mr. Al-Dakkan** (Saudi Arabia) said that the Basic Law of Governance guaranteed the right to freedom of opinion. Non-Muslim residents were entitled to practise their religion in their homes, residential complexes or embassies. Islamic sharia law prohibited blasphemy and all forms of disparagement of religious beliefs. Persons who engaged in such practices were held to account. Freedom of opinion and expression were guaranteed to all persons without discrimination under Islamic sharia law and national legislation.

24. **Mr. Mirza** (Saudi Arabia) said that national legislation guaranteed the right to education for all persons without discrimination. Article 30 of the Basic Law of Governance required the State to provide public education and to combat illiteracy. Cabinet Decision No. 139 of 15 June 2004 rendered public education mandatory for all children in the 6-to-15 age group. The Child Protection Act defined the deprivation of children of education, regardless of their gender or nationality, as a prohibited form of abuse and neglect. Article 233 of the public education policy stipulated that all types of education should be free of charge.

25. Saudi Arabia was a party to the Convention against Discrimination in Education adopted by the United Nations Educational, Cultural and Scientific Organization (UNESCO) on 14 December 1960. The number of stateless students and students from Yemen, the Syrian Arab Republic and Myanmar admitted to public schools in the academic year 2016/17 had totalled more than half a million. They had accounted for more than 47 per cent of the total number of expatriate students from over 150 countries.

26. The Ministry of Education had incorporated human rights in the public education curriculum. Teachers were trained in how to familiarize students with human rights definitions and values, including equality in the exercise of human rights and freedoms, and the need to combat racial discrimination. Teachers' skills were also upgraded through in-service training courses.

27. **Ms. Al-Athel** (Saudi Arabia) said that curricula were designed to instil values of tolerance and coexistence and that students were informed of the country's obligations under the international human rights treaties that it had ratified.

28. There were many private schools for children of foreign residents, where children were educated in accordance with the curricula of their own countries. There were currently 2,212 such schools throughout the country, with over 235,000 students from more than 150 countries.

29. **Mr. Al-Khathlan** (Saudi Arabia) said that the development plans and strategies that had been implemented to combat poverty were based on human rights and sustainable development criteria. Vigorous action was taken to prevent social marginalization. The poorer members of Saudi society were able to avail themselves of social security and health insurance, study grants, coverage of value-added tax and support for families purchasing their first home.

30. **Mr. Shayr** (Saudi Arabia) said that article 47 of the Basic Law of Governance guaranteed the right to initiate legal proceedings for both citizens and residents on an equal basis. All laws, decrees and implementing regulations included provisions aimed at promoting access to justice.

31. Instructions concerning affirmative action permitted women to file complaints pertaining to marriage in their place of residence or a local court. That provision constituted an exception to the religious code, according to which access to courts was restricted to the husband. Proceedings in family courts, such as divorce proceedings, child custody proceedings and other family-related matters, could not continue for more than one week. Separate marriage documents were issued to husbands and wives in order to facilitate the wife's access to justice. An advisory council had been established, with the assistance of

the Ministry of Justice, to provide legal advice free of charge as well as access to lawyers who provided services on a voluntary basis.

32. **Mr. Bin Libdah** (Saudi Arabia) said that the public prosecution service monitored conditions in prisons and detention facilities, in accordance with articles 38 to 40 of the Code of Criminal Procedure. Its staff paid regular visits to such facilities, received complaints from prisoners and detainees and took all necessary remedial action when violations were discovered. The National Society for Human Rights also visited prisons and detention facilities in a number of towns. Permanent offices had been established in prisons for representatives of the public prosecution service, the Human Rights Commission and the National Society for Human Rights for the purpose of receiving complaints from prisoners and addressing them forthwith. Interrogation rooms were outfitted with closed-circuit television cameras. Moreover, article 16 of the Code of Criminal Procedure enshrined the right of victims of violence to lodge complaints.

33. **Mr. Al-Shahrani** (Saudi Arabia) said that the public prosecution service was a key component of the judiciary and its authority and independence had been strengthened by a number of royal decrees. Prisoners were provided with humanitarian services that respected their human dignity and promoted their rehabilitation. Concerted efforts were made to prevent them from committing similar offences following their release. Saudi citizens and foreigners enjoyed the same legal status in the criminal justice system and all forms of discrimination were prohibited. According to studies undertaken by the Human Rights Commission, there were no gaps in the Code of Criminal Procedure that would permit racial discrimination.

34. **Mr. Al-Mutairi** (Saudi Arabia) said that, as Saudi Arabia was not a party to the Convention relating to the Statue of Refugees, the persons concerned were not treated as refugees or placed in refugee camps. Yemeni nationals were treated as visitors and the authorities were required by a royal decree to take steps to regularize their situation. Their children could enrol free of charge in public schools. They could exercise the right to work and enjoyed health-care services and other benefits. Moreover, subsidies were granted to businesses to encourage their recruitment. Saudi Arabia had admitted about 2.5 million Syrian nationals since the outbreak of the crisis. Those who chose to remain in the country could seek employment and benefit from free educational and health-care services. The same applied to citizens of Myanmar. In 2015, the Office of the United Nations High Commissioner for Refugees had commended the country's pioneering role in that regard, describing it as a model for other countries.

35. **Ms. Shepherd** said that she would welcome details on the programme of activities that the State party intended to implement in connection with the International Decade for People of African Descent.

36. Inasmuch as article 41 of the Basic Law of Governance required residents to observe the country's laws and to respect the values, traditions and sensibilities of Saudi society, she asked whether there were procedures for familiarizing visitors and new residents with such laws, particularly Islamic sharia law, and with the country's traditions, values and sensibilities. What happened in the event of contraventions, particularly of an inadvertent nature?

37. She wished to know how the curriculum supported the cultural education of major ethnic groups in the State party and whether there was cross-cultural education in all schools.

38. **Mr. Murillo Martínez** said that he commended the importance attached by the State party to the dignified treatment of refugees from the Syrian Arab Republic and other countries.

39. Noting that the maximum fine for human trafficking offences was $166, he asked whether the State party had considered the possibility of tackling the phenomenon from a financial perspective. He wished to know whether the increase in the number of cases addressed in 2017 had been due to greater effectiveness of State action or whether an exacerbation of the problem had been recorded.

40. Bearing in mind that domestic workers were required to respect the teachings of Islam, he asked how many complaints had been received regarding conflicts between employers and domestic workers relating to religion.

41. **Ms. Chung** said that she wished to know why the State party had not ratified the Convention relating to the Status of Refugees and whether it planned to do so in the future. She was also surprised to note, given the large number of migrant and domestic workers in the State party, that it had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). Did the State party plan to ratify those Conventions?

42. **Mr. Avtonomov** asked how foreigners who had lived and worked legally in the State party for between 20 and 30 years and, in particular, the children of such residents, could acquire citizenship.

43. **Mr. Diaby** asked whether the Government intended to include questions on statelessness or ethnic affiliation in the 2020 census. He said that he would like to know whether any provisions existed to prevent statelessness due to stripping of nationality. It would also be interesting to know whether the State party had submitted a request for its Human Rights Commission to be accredited by the Global Alliance of National Human Rights Institutions.

44. **Mr. Al-Shahrani**, affirming that his country had always been supportive of international efforts to strengthen common human values, said that Saudi society was open to all cultures and religions and received migrant workers from all religious backgrounds. The Government had diplomatic representations in countries of origin that raised awareness of Islamic and Arab values among migrant workers. Specialized firms that recruited such workers were obliged to provide awareness-raising programmes on Saudi societal values.

45. With respect to the inclusion of the values of tolerance and respect for other cultures in the school curriculum, a plan was in place to educate children on those values and human rights starting in their first year of education. All schools were open to all members of society, without any discrimination.

46. Human trafficking carried a maximum punishment of 15 years' imprisonment and a fine of 1 million riyals. Sentences were handed down on a case-by-case basis. Businesses could be dissolved for being involved in human trafficking. Fifty-seven cases of human trafficking had been recorded as a result of improved supervisory measures. Such cases were referred to the courts.

47. Employers and domestic workers had a mutual obligation to respect each other's cultures. All domestic workers enjoyed the same rights, regardless of whether or not they were Muslim. Nothing would be imposed on domestic workers that ran contrary to their culture or values. Similarly, domestic workers were obliged to respect the culture, principles and values of Saudi society. The contractual nature of the relationship ensured that if rights were violated, they would be restored in accordance with existing laws.

48. In response to the question regarding the International Decade for People of African Descent, the Government supported all international efforts to protect and promote human rights.

49. The Government was in the process of examining various international instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Labour Organization Domestic Workers Convention, 2011 (No. 189). Not being a party to those conventions did not prevent Saudi Arabia from observing their provisions and principles and providing assistance to vulnerable people, including refugees. National legislation would be brought into conformity with the conventions and they would then be ratified.

50. With respect to the Human Rights Commission, the Government had supported the establishment of that independent commission, which was affiliated with the Organization of Islamic Cooperation. The Commission was making efforts to comply with the Paris Principles and had amended its regulations accordingly. The fact that the Commission was

based in Jeddah was a reflection of the Government's belief in the importance of human rights mechanisms for the protection and promotion of those rights.

51. Legislation was in place governing the acquisition of citizenship. Saudi citizenship could be acquired, but the success of an application relied on several different factors, including level of education, police record and length of residency.

52. The technical details of the 2020 census were still being finalized. Care would be taken to ensure that accurate social and demographic data were collected. Those data would be used to identify areas that required further development or improvement.

53. **Ms. Dah**, thanking the delegation for its responses, said that all the questions had been addressed and many issues had been clarified. She was pleased to hear that the Convention did not in any way run counter to sharia law, and she believed that the Committee and the Government could work together to eliminate racial discrimination.

54. **Mr. Al-Shahrani** said that the delegation had not avoided any questions because it firmly believed in the importance of the Convention for the protection and promotion of human rights at the international level. The national mechanism for drafting treaty body reports had been restructured and the next periodic report would be submitted in a timely manner.

The meeting rose at 1.05 p.m.